

International Boundary Study

SERIES A

LIMITS IN THE SEAS

Straight Baselines

SAUDI ARABIA



**BUREAU OF
INTELLIGENCE
AND RESEARCH**

NO. 20

JUNE 8, 1970

**ISSUED BY
THE GEOGRAPHER**

This paper is one of a series issued by The Geographer, Bureau of Intelligence and Research of the Department of State. The aim is to set forth the basis for national arrangements for the measurement of the territorial sea or the division of the continental shelf of maritime nations.

This research document is intended for background use only. This document does not represent an official acceptance of the United States Government of the line or lines represented on the charts or, necessarily, of the specific principles involved, if any, in the original drafting of the lines. Additional copies of the studies may be requested by mail from The Geographer, Department of State, Washington, D. C. 20520 or by phone (Telephone: 63-22021 or 63-22022).

INTERNATIONAL BOUNDARY STUDY

Series A

LIMITS IN THE SEAS

No. 20

STRAIGHT BASELINES: SAUDIA ARABIA

The Geographer
Office of the Geographer
Directorate for Functional Research
Bureau of Intelligence and Research

STRAIGHT BASELINES: SAUDI ARABIA

The Government of Saudi Arabia published in the Official Gazette (umm al-Qura), No. 1706 of February 21, 1958 a royal decree creating straight baselines for the coasts of the Kingdom. No official charts, however, have been published detailing the positions of the straight baselines. Due to the particular language of the decree, it is impossible to plot the decree lines with any degree of accuracy on a chart. As a result, no map accompanies this study although a brief discussion of possible limits has been added.

Royal Decree No. 33 of February 16, 1958 states:

With the help of God Almighty;

We, Sa'ud ibn 'Abd al-'Aziz Al Sa'ud, King of Saudi Arabia;

In accordance with the dictates of the public interest;

Have decreed as follows:

Article 1. For the purposes of this decree,

- a. The term "nautical mile" is the equivalent of 1,852 meters;
- b. The term "bay" includes any inlet, lagoon or other arm of the sea;*
- c. The term "island" includes any islet, reef, rock, or permanent artificial structure not submerged at lowest low tide; **
- d. The term "shoal" denotes an area covered by shallow water, a part of which is not submerged at lowest low tide;
- e. The term "coast" refers to the coasts of the Red Sea, the Gulf of 'Aqabah, and the Persian Gulf.

Article 2 The territorial sea of the Kingdom of Saudi Arabia, as well as the air space above and the territorial sea bed and subsoil beneath are under the sovereignty of the Kingdom, subject to the established rules of international law.

* The term "inlet" renders two Arabic words used in the original text: (Sharm), which is used in the Red Sea, and (Khaur), which is used in the Persian Gulf.

** The term "reef" renders two Arabic words used in the original text: (Fasht), which is used in the Persian Gulf, and (Shi'b), which is used in the Red Sea. The terms (Qut'ah) and (Qassar) denote two different types of intermittently submerged obstacles, not properly to be rendered as "bar", the common term for which in the Persian Gulf is (Hidd).

Article 3. The inland waters of the Kingdom include:

- a. The waters of the bays along the coasts of the Kingdom of Saudi Arabia;
- b. The waters above and landward from any shoal not more than twelve nautical miles from the mainland or from a Saudi Arabian island;
- c. The waters between the mainland and a Saudi Arabian island not more than twelve nautical miles from the mainland;
- d. The waters between Saudi Arabian islands not farther apart than twelve nautical miles.

Article 4. The territorial sea of the Kingdom of Saudi Arabia lies outside the inland waters of the Kingdom and extends seaward for a distance of twelve nautical miles.

Article 5. The following are the base-lines from which the territorial sea of the Kingdom of Saudi Arabia is measured:

- a. Where the mainland or the shore of an island is fully exposed to the open sea, the lowest low-water mark on the shore;
- b. Where a bay confronts the open sea, lines drawn from headland to headland across the mouth of the bay;
- c. Where a shoal is situated not more than twelve nautical miles from the mainland or from a Saudi Arabian island, lines drawn from the mainland or the island and along the outer edge of the shoal;
- d. Where a port or harbor confronts the open sea, lines drawn along the seaward side of the outermost works of the port or harbor and between such works;
- e. Where an island is not more than twelve nautical miles from the mainland, lines drawn from the mainland and along the outer shores of the island;
- f. Where there is an island group which may be connected by lines not more than twelve nautical miles long, of which the island nearest to the mainland is not more than twelve nautical miles from the mainland, lines drawn from the mainland and along the outer shores of all the islands of the group if the islands form a chain, or along the outer shores of the outermost islands of the group if the islands do not form a chain;
- g. Where there is an island group which may be connected by lines not more than twelve nautical miles long, lines drawn along the shore of all the islands of the group if the islands form a chain, or along the outer shores of the outermost islands of the group if the islands do not form a chain.

Article 6. If the measurement of the territorial sea in accordance with the provisions of this decree leaves an area of high sea wholly surrounded by the territorial sea and extending not more than twelve nautical miles in any direction, such area shall form part of the territorial sea. The same rule shall apply to a pronounced pocket of high sea which may be wholly enclosed by drawing a single straight line not more than twelve nautical miles long.

Article 7. If the territorial sea measured from the base-lines fixed by Article 5 of the decree be overlapped by the waters of another state, boundaries will be determined by our Government in agreement with that state in accordance with equitable principle.

Article 8. To assure compliance with the laws of the Kingdom relating to security, navigation, fiscal and sanitary matters, maritime surveillance covers a contiguous zone outside the territorial sea, extending for a distance of six nautical miles in addition to the twelve nautical miles measured from the base-lines of the territorial sea, in accordance with Article 5 of this decree.

Article 9. The provisions of this decree shall not affect the rights of the Kingdom with respect to fishing.

Article 10. Decree No. 6/4/5/3711* promulgated on I Sha'ban 1368 corresponding to 28 May 1949 is revoked.

Article 11. Our ministers of Foreign Affairs, Interior, Finance, and Health are charged with the execution of this decree, each with regard to the provisions concerning him.

Article 12. This decree shall come into effect as of the date of its publication in the Official Gazette.

* The original Arabic shows "Decree No. 6/5/4/3711," which is in error.

ANALYSIS

Several unusual features occur in the Saudi decree. A "bay," for example, does not have to meet the semi-circularity requirement or the 24-nautical miles closing limit of the Geneva Convention. According to the decree a "bay" includes any inlet, lagoon or arm of the sea.¹ It should be noted that Saudi Arabia is not a party to the Geneva Convention on the Territorial Sea and the Contiguous Zone.

Secondly, term "island," as used in the decree, refers to any elevation not below lowest low water. By this definition "drying rocks" or even "rocks awash" qualify as islands which may be utilized for the measurement of the territorial sea or drawing straight baselines. Thirdly, a "shoal," basically an underwater area, equates with an "island" if the shoal possesses one drying rock. The Saudi decree,

¹The language of the Decree is nearly identical with that of the Egyptian Decree of 1951. See IBS -- Series A, No. 22 -- Straight Baselines: United Arab Republic

furthermore, permits the use of the outer edge of the shoal and not just the "drying rock" for the limit of the straight baseline/baseline for the territorial sea. Finally, the decree introduces a negative concept which does not conform with the language of the Geneva Convention. The decree speaks of elevations which are "not submerged by" rather than those which are above lowest low water. Thus, a point at the tidal datum of lowest low water would practically be a "drying rock" and hence an "island" in the Saudi context. Since surveys in the Gulf are not very precise, such a definition could lead to an unlimited extension of the inland waters through the use of extended straight baselines.

Applying the criteria produces many problems of interpretation. Virtually all indentations of the coast may be enclosed by bay closing lines. Moreover, the existence of numerous, and often uncharted shoals introduces much confusion in the Persian Gulf area. Two major areas -- Fasht Bildani and Fasht al-Kash -- extend over 25 and 15 nautical miles, respectively, along the direction of the coast. The precise detail of the two shoals are unmapped on U.S. charts of the Gulf. Instead, rectangular areas are marked off with the warning of the existence of numerous shoals and heads in the area. Since shoals are within 12 nautical miles of the Saudi shoreline or of islands, they thus could be enclosed within straight baselines. Similar shoal areas, also within the specified distance of Saudi territory, extend southward to Ra's at-Tannurah, near the sea frontier with Bahrain. Presumably if the law were applied strictly, straight baselines would extend for the entire coastline from the former Neutral Zone boundary to Bahrain. It is impossible to generalize, as a result, the extent of the Saudi claims in the Gulf.

Moreover, a similar situation exists along the Red Sea coast. From the Yemeni boundary northward, the coast is fringed virtually continuously with "islands" and "shoals" as far as the Gulf of Aqaba. U.S. charts show many of the shoals to contain "rocks awash" or "sunken rocks" which might qualify, with the lower Saudi datum, as "islands." In the Strait of Tiran, the Saudi islands of Tiran and Sanafir are within 12 nautical miles of the coast and each other (as well as other adjacent islands). Straight baselines could presumably be drawn about them. In contrast, the Gulf of Aqaba is virtually without islands.

If the Saudi decree were rigorously applied, it would appear that, with the exception of the Gulf of Aqaba, virtually all of the state coasts would be bordered by straight baselines. These would extend from 12 to 20 nautical miles from the coast. Since, in the negotiations with Iran for the division of the continental shelf of the Gulf, Saudi Arabia utilized the Indian spring low water line of its coast line and not straight baselines, it would appear that an extreme interpretation is not given to the language of the Decree. The precise delimitation of the straight baselines, however, will have to await the publication of official charts as required by the Geneva Convention.